

NOTHING IN THIS POLICY OR ANY OTHER POLICY, PROCEDURE, BOOKLET, MANUAL, OR OTHER DOCUMENT ISSUED BY OR THROUGH YUMA COUNTY CREATES OR MANIFESTS A CONTRACT WITH AN EMPLOYEE UNLESS THE DOCUMENT EXPRESSLY STATES THAT IT IS INTENDED AS A CONTRACT AND IS SIGNED BY THE COUNTY ADMINISTRATOR. THE YUMA COUNTY BOARD OF SUPERVISORS RETAINS THE RIGHT TO CHANGE ANY ORDINANCE, POLICY, RULE, OR REGULATION AFFECTING THE TERMS AND CONDITIONS OF EMPLOYMENT WITH YUMA COUNTY AT ITS OWN DISCRETION, WITH OR WITHOUT EMPLOYEE CONSENT.

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PR-100 Purpose and Administration

- A.** The Yuma County Board of Supervisors has adopted these Personnel Rules to aid in the efficient management of County governmental agencies by the officers and department heads who are charged by law with the control and management of the employees within their respective agencies.
- B.** The Human Resources Director is charged by the Board with the duty of maintaining these personnel rules and is granted the authority to perform the duties as set forth herein. The Human Resources Director shall:
 - 1. Have authority for developing and administering a program of personnel administration for County service in conformance with the personnel rules, including issuing guidance and directives as are necessary or advisable to implement the rules in the most consistent and effective manner.
 - 2. Have the power to designate employees in various county offices, upon request of an Agency Head of the office, to perform certain functions of personnel administration where appropriate or necessary and shall be responsible for the direction of such persons as to performance of personnel administration, and shall have the authority required to assure that the designated employees comply with the direction received from the Human Resources Director.

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3. From time to time make recommendation to the Board of Supervisors of a salary plan and adjustments to the plan for employees in county service. In establishing the salary plan the Human Resources Director shall consider the relative levels of duties and responsibilities of the various classes of positions, rates paid for comparable positions elsewhere and other relevant factors. The Human Resources Director shall make advisory salary recommendations for specific positions in the County Administrator's Office if requested by the respective administrative heads of these units of County government.
4. Promulgate rules relating to personnel and personnel administration in the following manner:
 - a. The Human Resources Director shall establish and maintain a personnel rule-making docket for each rule making proceeding.
 - b. A personnel rule making proceeding is pending from the time the Human Resources Director begins to consider proposing the rule for adoption by the Board of Supervisors to the time the personnel rule-making proceeding is terminated by the Human Resources Director or has been terminated by adoption or rejection by the Board. A copy of the proposed rule must be posted in the various county work places at least 10 working days prior to the proposed date of submission of the rule to the County Attorney for certification. Any employee may make a written comment or suggestion on the rule and file it with the Human Resources Director at least one day prior to the proposed date of submission to the County Attorney. The Human Resources Director may incorporate any comment or suggestion in the proposed rule prior to submission to the County Attorney.
 - c. For each personnel rule-making proceeding, the docket shall indicate all of the following:
 - (1) The subject matter of the proposed personnel rule and its current status in the rule-making process.
 - (2) The name of the person within the Human Resources Department with whom persons may communicate regarding the rule.
 - (3) The date the proposed rule was provided to each agency head for posting within the various county work places.

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- (4) Whether any comment or suggestion was incorporated within the proposed rule.
 - (5) The date the Human Resources Director submitted the rule to the County Attorney for certification.
 - (6) The date of the rule's adoption.
 - (7) The date of the rule's rejection.
 - (8) The date the Human Resources Director terminated the rule-making process independently.
- d. A personnel rule proposed for adoption is subject to approval and certification, as legally correct, by the County Attorney in as nearly the same manner as practicable as is set forth in the certification rules of A.R.S. §41-1044. Following certification of the rule, the County Attorney shall file the original and two copies of the rule and a concise explanatory statement directly with the Clerk of the Board who shall present it to the Board in a timely manner. The Human Resources Director may withdraw the proposed rule at any time before it is presented to the Board of Supervisors.
- e. Within 30 days after the adoption of the personnel rule by the Board of Supervisors, the Human Resources Director shall ensure that a copy of the new rule is promulgated to all agencies for posting within the work place and that the personnel Rules are amended to reflect the adoption.

**Historical Note: Adopted, Eff. 11/25/94
Amended 11/4/02**

PR-101 Definitions

The following words and phrases used in these rules have the defined meanings unless otherwise clearly indicated by the context. The definitions set forth in Section 8, Grievance and Disciplinary Procedures, shall be used for the purposes set forth in Section 8, and to the extent any definition set forth below is inconsistent with any definition set forth in Section 8, it shall not apply.

1. **"Agency"** means any governmental office, or department, or other governmental budget unit of the County except those exempted herein.
2. **"Agency head"** means the elected or appointed officer of any department, or office of the County. Agency heads are the appointing authorities within their respective departments or offices.

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3. **"Announcement"** means the public notice of evaluation procedure to fill positions by open competition, or the notice to employees of an evaluation procedure to fill positions from within the County Government.
4. **"Appeal"** RESERVED.
5. **"Applicant"** means any person who seeks appointment to a position in the County government.
6. **"Appointing Authority"** means agency heads.
7. **"Appointed county officer"** includes but is not limited to:
 - a. Public Fiduciary
 - b. Clerk of the Board of Supervisors
 - c. County Engineer
 - d. Public Defender
 - e. Legal Defender
8. **"Appointment"** means the offer to and the acceptance by a person of a position in the County Government.
9. **"Candidate"** means a person who has made a passing score on an evaluation procedure and whose name is placed in a register.
10. **"Cause"** means any of the reasons for disciplinary action provided by statutes or these rules.
11. **"Certification"** means the referral of candidates on a hiring list to an agency to be considered for appointment to a position in the County Government.
12. **"Chapter"** means Rule PR-801 proceedings, also called "Chapter 8 proceedings".
13. **"Child"** means:
 - a. For purposes pertaining to the health benefit plan for, each unmarried natural, adopted, foster, child under legal guardianship, and step-child under age 19, or under the age of 23 if a full-time student, who resides or is placed by court order in the household of the employee, the retired employee, or the former or incumbent elected official; and

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- b. For purposes pertaining to the life and disability income insurance plan, and pertaining to the life insurance plan for former elected officials, each unmarried natural, adopted, foster and step-child under age 19 who resides or is placed by court order in the household of the employee or the former or incumbent elected official; and
 - c. For purposes of PR-207 pertaining to the employment of relatives, and PR-410(B), pertaining to bereavement leave, each natural, adopted, foster and step-child.
 - d. For purposes of PR-411A, pertaining to family and medical leave, each natural, adopted, foster and step-child.
- 14. **"Class"** means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title and the same pay grade apply to each position in the group.
 - 15. **"Class series"** means the group of related classes as a subsection of the occupational group.
 - 16. **"Class specification"** means the description of the type and level of duties and responsibilities of the positions assigned to a class.
 - 17. **"Clerical pool appointment"** means the non-competitive temporary appointment of a qualified individual in a clerical position. This is a non-budgeted position and requires the approval of the County Administrator.
 - 18. **"Competition"** means the process leading to the identification of candidates for employment or promotional consideration, which includes the announcement of a vacancy, a formal evaluation of applicants' qualifications and the development of a hiring list, in accordance with these rules.
 - 19. **"County Administrator"** means the chief executive officer of the County appointed by and serving at the pleasure of the Board of Supervisors.
 - 20. **"County Government"** means all agencies, officers, and employees subject to these rules as set forth herein.
 - 21. **"Covered position"** means any position in the County Government.

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- 22. **"Days"** means calendar days unless otherwise stated.
- 23. **"Demotion"** means a change in the assignment of an employee for cause from a position in one class to a position in another class having a lower pay grade as a result of disciplinary action or voluntary request.
- 24. **"Department"** means any separate budget unit of the Office of the Board of Supervisors whose chief administrative officer has been appointed by the Board of Supervisors and serves at the pleasure of the Board of Supervisors.
- 25. **"Detail to special duty"** means the temporary assignment of a regular employee to a covered position other than the employee's current position in the same agency.
- 26. **"Disability"** means a physical or mental impairment that substantially restricts or limits an individual's general ability to secure, retain or advance in employment except:
 - a. Any impairment caused by current or recent use of alcohol or drugs;
 - or
 - b. Any impairment or condition to which A.R.S. §§ 23-1044(A) or 23-1045(A) applies.
- 27. **"Disciplinary action"** means suspension, reduction in gross pay, demotion, or dismissal.
- 28. **"Elected County Officer"** means those officers enumerated in A.R.S. 11-401: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, Supervisors.
- 29. **"Emergency appointment"** means an appointment made without regard to the recruitment, evaluation procedure, certification, or selection requirements of these rules in response to a governmental emergency and requires the approval of the County Administrator.
- 30. **"Evaluation procedure"** means the evaluation procedure used to determine the relative excellence of applicants.
- 31. **"Flexible or cafeteria employee benefit plan"** means a plan providing benefits to eligible employees which meets the requirements of Section 125 of the Internal Revenue Code.

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- 32. **"Good standing"** means the status of a former employee at the time of separation from County government for reasons other than disciplinary or anticipated disciplinary action.
- 33. **"Grievance"** means an employee complaint concerning discrimination, non-compliance with these rules, or other work-related matters which directly and personally affect the employee.
- 34. **"Grievance and disciplinary system" or "system"** means the rules and procedures set forth in Chapter 8.
- 35. **"Grievant" or "employee" or "regular status employee"** means any employee, other than a non-eligible employee.
- 36. **"Institution"** means a facility which provides supervision or care for residents on a twenty-four hour per day, seven days per week, basis.
- 37. **"Limited appointment"** means an appointment to a position which is funded through the budget process for at least 6 months but not more than 36 months.
- 38. **"Manifest error"** means a clear clerical error or mistake in these rules.
- 39. **"Midpoint"** means the salary amount midway between the minimum and maximum amounts of a salary range.
- 40. **"Mobility assignment"** means the assignment of a regular employee in an uncovered position to another county agency or department.
- 41. **"Non-eligible employee"** means temporary or probationary employees and any individual who is an elected or appointed officer, or who is a chief deputy to an elected official of such officer and who is authorized by law to exercise the same powers as the officer, and shall include heads of departments as listed in ARS 11-352b and any Attorney hired on or after the date of adoption of this particular rule.
- 42. **"Original probation"** means the specified period following initial appointment to the County Government in a regular or limited position for evaluation of the employee's work.

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- 43. **"Original probationary appointment"** means the initial appointment to a regular position in the County government.
- 44. **"Participant"** means all employees who are enrolled in the County's insurance programs.
- 45. **"Pay grade"** means a salary level in a County government salary plan.
- 46. **"Pay status"** means the condition of an employee who is receiving pay for work or for a compensated absence.
- 47. **"Plan"** means the flexible or cafeteria employee benefit plan.
- 48. **"Promotion"** means a permanent change in assignment of a regular status employee from a position in one class to a position in another class having a higher pay grade.
- 49. **"Promotional probation"** means the specified period of employment following promotion for evaluation of the employee's work.
- 50. **"Provisional appointment"** means an appointment of a qualified individual to fill a vacancy in a class for which there are less than three candidates available and for which no related registers can be used.
- 51. **"Qualified"** means meeting the minimum qualifications for a class as defined in the class specification plus any special requirements that may be published for a position in that class.
- 52. **"Reallocation"** means the changing of job title of a position.
- 53. **"Reclassification"** means changing the classification of a position when a material and permanent change in duties or responsibilities occurs.
- 54. **"Reduction"** means the non-appealable movement of an employee from one position to another in a lower pay grade as a result of a reduction in force.
- 55. **"Re-employment"** means the appointment of a former regular status employee who was separated by a reduction in force.
- 56. **"Register"** means a file of candidates for a position or class, in final score order, from which hiring lists are prepared.

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- 57. **"Regular status"** means the standing an employee achieves after the completion of an original probation or a promotional probation.
- 58. **"Reinstatement"** means the appointment of a former regular status employee who resigned, was separated in good standing, or was separated without prejudice.
- 59. **"Re-promotion"** means the promotion of an employee who was reduced in grade due to a reduction in force to the grade held prior to the reduction in force or to an intervening grade.
- 60. **"Resident"** means an individual who is in the county for other than a temporary or transitory purpose.
- 61. **"Reversion"** means the return of an employee on promotional probation to a position in the class in which the employee held regular status immediately prior to the promotion.
- 62. **"Rules"** means the rules contained in the Yuma County Personnel Manual.
- 63. **"Seasonal appointment"** means an appointment to a position which recurs on a seasonal or intermittent basis and is funded through the budget process.
- 64. **"Separation without prejudice"** means the removal without appeal rights, of an employee from the County Government due to a reduction in force, the lack of a position for an employee requesting to return from leave without pay, or the inability of an employee to return to work at the conclusion of a leave without pay.
- 65. **"Temporary appointment"** means the appointment to a position for a specified period of less than 6 months. This is a non-budgeted appointment.
- 66. **"Transfer"** means the movement of an employee from one position in the County Government to another position in the County Government in the same pay grade.
- 67. **"Uncovered position"** means a position held by a non-eligible employee.

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68. **"Underfill"** means the employment of a person in a class lower than the allocated class for that position.

**Historical Note: Adopted, Eff. 11/25/94
Amended 3/21/05**

PR-102 General Provision

- A.** Delegation of authority. Unless otherwise stated in these rules, an agency head may delegate any authority granted to the agency head in these rules.
- B.** Availability of funds. The granting of any compensation in these rules is contingent upon the availability of funds, as determined by the agency head and the Board of Supervisors.
- C.** Conflict with federal requirements. The provisions of the Federal Hatch Act shall be applicable to these rules, and any provision of these rules which conflicts or is inconsistent with federal rules, regulation or standards governing the granting of federal funds to an agency shall not be applicable to such agency and the rules and regulations under applicable Federal Office of Management and Budget (OMB) guidelines shall be used.
- D.** Service of notice. If any notice or document is to be given to any person or agency, the notice or document may be served personally or mailed to the last known residence or current business address of the addressee. Unless otherwise provided by law or these rules, service is complete upon mailing.
- E.** Employee handbook. The Human Resources Department may publish an employee handbook outlining pertinent rules and regulations and make such handbook available to all employees.
- F.** Correction of errors. The Human Resources Department may correct a manifest error in these rules as may be necessary.
- G.** Disclosure of Information by Public Employees. A.R.S. §§ 38-531 and 532, as added by Laws 1985, Chap. 189, § 1 shall apply to employment within County Government.

Historical Note: Adopted, Eff. 11/25/94

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PR-103 Applicability

- A.** General. These rules are applicable to all covered employees and to all County service positions.
- B.** Exemptions. These rules do not apply to Elected Officials, Chief Deputies designated either by statute or the Elected Official to act for and perform the duties of the Elected Official, County Administrator, Assistant County Administrator, all Agency Heads, Clerk of the Board, Public Fiduciary, the County Engineer, Public Defender, Legal Defender, Hearing Officer and any other County Officers as delineated by statute.

Historical Note: Adopted, Eff. 11/25/94

PR-104.A Nondiscrimination

An agency shall not discriminate against an individual in violation of A.R.S. §§ 41-1461, 41-1463, and 41-1464 or in violation of any Federal law.

PR-104.B Sexual Harassment

No person within County Government shall violate the policy on Sexual Harassment as set forth herein. In addition to the steps below, nothing set forth herein shall be construed as depriving any employee of the right to initiate any and all proceedings seeking relief under any Federal or State law or this policy. And in the case of employees who are the victims of physical sexual harassment, such employees are urged to contact the appropriate police agencies and seek criminal charges.

- 1. Purpose: The purpose of this policy is to clearly establish Yuma County's opposition to, and disapproval of, any unwanted actions and advances of a sexual nature arising out of the work place situation.
- 2. Policy: It is improper and against the policy of the County of Yuma for a County employee to ask for or receive sexual favors from another County employee or prospective employee in return for, or as a condition of, granting County employment, making a promotion, providing job retention, giving a specific job or duty assignment, or any other action relating to County employment.

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It is improper for employees to conduct themselves in a manner which creates a "hostile working environment," such as unwelcome sexual advances, requests for sexual favors, visual forms of harassment such as cartoons or drawings, physical interference with normal work or movement, such as blocking, following or touching an employee, verbal harassment such as jokes, slurs, derogatory comments, profanity, and obscenity.

3. Definition of Sexual Harassment: harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances or requests of a sexual nature constitutes sexual harassment when:
 - a. submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment;
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

A general definition for sexual harassment is any unwanted and/or unsolicited verbal comment, physical contact, gesture, invitation, proposition, demand or related action of a sexual nature which results in favorable or unfavorable employment decisions or creates an intimidating, hostile or offensive working environment.

Jokes of a sexual nature, sexual teases, and vulgar language could all lead to a charge of creating a hostile work environment which would interfere with an employee's ability to work.

Although some acts prohibited by this policy may not constitute unlawful harassment under state or federal law, employees who feel they are being subjected to prohibited harassment of any kind must bring the matter to the attention of one of the persons listed in No. 5 below.

4. Violation of policy: Violation of this policy shall be grounds for disciplinary actions. Should any grievance proceeding under these rules result in a finding that a violation of this policy has occurred, disciplinary actions shall be commenced immediately under the disciplinary rules and the grievance proceedings shall be terminated.

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5. Harassment Complaint Procedure: Any employee who believes that they are the victim of sexual harassment should complain immediately to their next level supervisor, agency head, or the Human Resources Director. Any supervisor who observes possible acts of harassment in the workplace shall immediately report what they observed to their next level supervisor, agency head, or the Human Resources Director. In every instance in which a complaint or report of possible sexual harassment is received by a supervisor or agency head, the supervisor or agency head shall immediately notify the Human Resources Director.
6. Harassment Investigation Procedure: The Human Resources Director shall immediately, or as soon as reasonably possible, conduct an investigation of any complaint or report of possible sexual harassment whether made directly to the Director or by referral. The Human Resources Director may designate a qualified investigator to perform the investigative duties, with the report submitted to the Human Resources Director.

The parties and all witnesses, if any, shall be interviewed and written or recorded statements taken. The Human Resources Director shall conclude the investigation and submit written findings and conclusions to the responsible agency head within fifteen working days of first receiving the report or complaint. The Director shall advise the agency head if either an allegation or denial is supported by convincing evidence. If in the director's opinion it is impossible to satisfactorily determine the truth or falsity of the complaint or report, the agency head shall be advised that the allegation has not been substantiated. If the Human Resources Director determines that an act of harassment occurred, the Director's report shall also include recommendations as to disciplinary and other remedial action.

7. Responsibility of Agency Head after receiving results of investigation: Upon receipt of the results of the investigation by the Human Resources Director, the responsible agency head shall have five working days in which to take action. In the exercise of his or her sound discretion, the agency head either may accept, reject, or modify the findings, conclusions, and recommendations submitted by the Human Resources Director. However, if the agency head determines to reject or modify the findings, conclusions, or recommendations of the Human Resources Director, he or she shall do so by written response, stating the reasons for doing so. If an appointed county officer and the Human Resources Director disagree on the action(s) to be taken, the matter will be resolved by the County Administrator. If there is a conflict between the County Administrator and the Human Resources Director, the matter will be referred to the Board of Supervisors for a

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decision. If the disagreement is between an elected county officer and the Human Resources Director, the matter will be referred to the Board of Supervisors for a decision.

8. If action is warranted, he or she shall immediately initiate the same. The agency head shall also notify the Human Resources Director of all action taken with regard to the results of the investigation.

Amended 11/4/02

PR-104.C EEOC/ADA/Affirmative Action/Other Federal Requirements

The County of Yuma is an Equal Opportunity Employer and complies with all Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA), Affirmative Action (AA) and other applicable Federal employment related guidelines as set forth by law and requires all county agencies to implement any and all programs deemed necessary to attain compliance.

Historical Note: Adopted, Eff. 11/25/94

PR-105 Personnel records

- A.** Content. Each employee's official Personnel file shall contain:
 1. A copy of the job application for the employee's current position.
 2. A copy of all performance appraisal reports.
 3. A file of Personnel action forms that have authorized changes in employment status, position, classification, pay, or leave status.
 4. Letters of commendation.
- B.** Insurance records: Group insurance records may be contained in the employee's official Personnel file or in consolidated files.
- C.** Access: Access to any employee's official Personnel file shall be limited to:
 1. The employee or any individual who has written authorization from the

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employee to review the Personnel file.

2. Agency personnel designated by the agency head as having a need for such information.
 3. Human Resources Department employees in the line of duty.
 4. Officials acting in response to court orders or subpoenas.
 5. Officials of an agency to which the employee has applied.
 6. An official of an agency of the federal government, state government or any of their political subdivisions, but only when it is deemed by the agency head of the employing agency as appropriate to a proper function of the official requesting access.
 7. For purposes of subsection (C) of this Section, an official is one who provides identification verifying that he is exercising powers and duties on behalf of the chief administrative head of a public body.
- D.** Disclosure of information: The following information will be provided to any person pursuant to Article 2, Chapter 1, Title 39, A.R.S. 23-1361:
1. Name of employee.
 2. Date of employment.
 3. Current and previous class titles and dates received.
 4. Name and location of current and previous agencies to which the employee has been assigned.
 5. Name of employee's current or last known supervisor.
- E.** Access to other files: The presence of copies of any item listed in subsection (A) in any other informational file concerning an employee shall not in itself confer upon such employee any right of access to such file.
- F.** Control:
1. When an employee moves from one county service agency to another, the

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losing agency will direct the Human Resources Department to change its records to reflect the move and to notify the gaining agency within ten days of the effective date of the move that the employee's Personnel file is now filed with the Personnel files of the gaining agency.

2. When an employee returns to county services after a separation to an agency other than the agency in which the employee was last employed, the gaining agency will request the Human Resources Department to transfer the employee's Personnel file from the Personnel files of the last agency to those of the gaining agency. The Human Resources Department shall do so within 10 days of the receipt of the request.
3. Personnel files shall be maintained by the Human Resources Department and disposed of in conformance with rules and regulations promulgated under A.R.S. 41-1331 et. reg.
4. Any Human Resources Department employee who learns that any Personnel record or its contents has been disclosed by any person within the Human Resources Department in any manner not authorized herein shall immediately report such disclosure to the Human Resources Director who shall notify the affected employee's agency head. Any failure to comply with this rule subjects the Human Resources Department employee to dismissal from employment with County Government.

Historical Note: Adopted, Eff. 11/25/94